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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,120	10/12/2000	Martin W. Sotheran	9410041(EP)USC1X1C1C1	7086

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DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER	
VO, TUNG T	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 03/23/2005 6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/689,120	Applicant(s) SOTHERAN ET AL.	
	Examiner Tung Vo	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 October 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/307,239.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/12/00*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/307,239, filed on 10/07/1997.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/12/2000 has been considered.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,330,666. Although the conflicting claims are not identical, they are not patentably distinct from each other because the clamed invention of the application is broader than the claimed of the patent.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 5, 7, 10-31, 33-35, 37-39, are rejected under 35 U.S.C. 102(e) as being anticipated by Acampora et al. (US 5,168,356).

Re claims 5, 7, 10-31, 33-35, 37-39, Acompora discloses the method of processing video data comprising the steps of receiving video (20 of fig. 1) having portions encoded in accordance with respective different video standards (high priority video standard and low

priority video standard); identifying one of the start codes (26 of fig. 1, see also fig. 9) included in the received video data; and processing includes decoding the received video data (27 of fig. 1) in accordance with the video standard corresponding with the identified start code (fig. 3A, ID header), the start code includes an MPEG start code that is in the Group header (fig. 3A), wherein the processing constructing one or more (274 of fig. 9) for display based on the received video data; wherein receiving a first set of video data, a first video standard, having the first start code (HP, 21, 23, 25 of fig. 1, see HP of fig. 9), and processing the first set of video data (272 of fig. 9); wherein receiving a second set of video data, a start code, and processing the second set of video data (LP, 22, 24, 25, 26, 27 of fig. 1, see also LP of fig. 9), wherein the tokens includes the start code called G-HEADER (fig. 3A); wherein the tokens include a picture start header or token, and picture end token (P-HEADER, S-HEADER, M-HEADER, EOB1, EOB2, end of block, each header includes a start code of fig. 3A); Huffman encoder (130 of fig. 1) so the decoder (fig. 10) is a Huffman decoder, inverse quantizer (310 of fig. 10), wherein the encoder (130 of fig. 1) includes the Huffman table code for processing the video data; each of the code tables may include corresponding tables programmed with the code lengths of the respective variable length codewords; wherein the demarcating the received video data includes one or more of the following: a picture start, a picture end, a sequence start, and a group start (G-HEADER, P-HEADER, S-HEADER, M-HEADER of fig. 3A); and a coding standard token that identifies the video standard (HDTV) of the received video data wherein the decoder (fig. 10) arranges one of the portions of received video data into an arrangement that complies with different one of the video standards (the HP carrier is located in the portion of the frequency spectrum of an, e.g., NTSC TV).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora et al. (US 5,168,356) in view of Ackland et al. (US 5,220,325).

Re claims 6 and 8, Acampora teaches the MPEG standard, HDTV, NTSC standards, except a H.261 and JPEG standards. However, Ackland teaches the decoder (fig. 1) decoding the variety standards such as MPEG, JPEG, H.261. Therefore, taking the teachings of Acampora and Ackland as a whole. It would have been obvious to one of ordinary skill in the art to incorporate the JPEG and H.261 standards of the Ackland into the method of Acampora for the purpose of detecting the start code of the received video data in accordance standards. Doing so would initiate the process of decoding when the start code identified in the encoded video data so that the decoder decode the encoded video data without delay.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora et al. (US 5,168,356).

Re claim 9, it is noted that the use of a video format that encodes spatial and temporal video data is well known in the art. Therefore, the official notice is taken.

10. Claims 32, 36, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora et al. (US 5,168,356) in view of Galbi et al. (US 5,870,497).

Re claims 36, 40, and 41, Acampora does not particularly teach the decoder having decoding pipeline, wherein the commands to VLC decoder 211 are 6-bit wide. When set, bit 5 (i.e. the most significant bit) resets VLC decoder 211; and instructions for an inverse discrete cosine transform (fig. 5, and fig. 6a-1). Taking the teachings of Acompora and Galbi as a whole it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Galbi into the method of Acompora for the same purpose of decoding the video data. Doing so would improve decoding efficiency.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chu et al. (US 5,253,053) discloses a variable length decoding using lookup tables.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tung Vo
Primary Examiner
Art Unit 2613

T.Vo